

03500.017568

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:	)	
	:	Examiner: F. Abraham
Tetsuya ITANO et al.	)	
	:	Group Art Unit: 2826
Application No.: 10/665,593	)	
	:	Confirmation No.: 6820
Filed: September 22, 2003	)	
	:	
For: MANUFACTURING METHODS OF	)	October 10, 2006
SEMICONDUCTOR DEVICES AND	:	(Tuesday after Federal Holiday)
A SOLID STATE IMAGE PICKUP	)	
DEVICE (As Amended)	:	
	)	
U.S. Patent No. 7,087,983	:	
	)	
Issued: August 8, 2006	:	

Attention: Office of Patent Legal Administration  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF  
PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)

Sir:

Patentees hereby request under 37 CFR 1.705(d), reconsideration and recalculation of the Patent Term Adjustment (PTA) for the above-identified U.S. Patent.

For at least the following reasons, Patentees believe that the subject Patent is entitled to a PTA of **one hundred twelve (112)** days, rather than the one hundred eight (108) days, as indicated on the Issue Notification dated July 19, 2006.

## FACTS

1. The above-identified Patent issued from Application No. 10/665,593 filed September 22, 2003.
2. On July 14, 2005, a Notice of Allowance and Issue Fee(s) Due (Notice) was mailed in the application. Attached to the Notice was a determination of patent term adjustment under 35 U.S.C. § 154(b) indicating a patent term adjustment of zero (0) days.
3. On July 22, 2005, Applicants paid the Issue Fee.
4. On March 7, 2006, Applicants filed a Letter Transmitting Information For Placement In File.
5. On June 30, 2006, the Examiner issued an Examiner Interview Summary Record summarizing a discussion with Applicants' representative that the material submitted on March 7, 2006, would merely be placed in the official file.
6. The subject Patent is not subject to any Terminal Disclaimer.
7. The Patent Application Information Retrieval (PAIR) system of the U.S. Patent and Trademark Office (PTO) for this application indicates an Applicant-delay period of (1) 31 days for a response after non-final action on November 15, 2004, and (2) 120 days for a "Miscellaneous Incoming Letter" filed on "03-07-2006", i.e., the Letter Transmitting Information For Placement In File, as well as a total PTO-delay period of 259 days. The PAIR printout thus shows a total PTO-delay period of 259 days and a total Applicant-delay period of 151 days. A copy of the PAIR system printout also is attached.
8. The above-identified Patent issued on August 8, 2006, with a patent term adjustment of 108 days shown on the cover page.

9. The Applicant-delay period of 120 days is contested for the reasons provided below. The PTO-delay period (259 days) and the other Applicant-delay period (31 days) shown on the PAIR printout are not contested.

### ARGUMENTS

1. 37 C.F.R. § 1.704(a) provides that “[t]he period of adjustment of the term of the patent under Section 1.703(a) through (e) shall be reduced by a period equal to the period of time during which the Patentees fail to engage in reasonable effort to conclude prosecution (processing or examination of the examination).”

2. Patent term adjustment is reduced by the period of time during which the applicant failed to engage in reasonable efforts to conclude prosecution. See 35 U.S.C. § 154(b)(2)(C)(i).

3. Patentees agree with the assessment of the PTO-delay period of 259 days.

4. Patentees, however, disagree with the assessment of the Applicant-delay period of 120 days. Rather, Patentees submit that this delay period should be assessed at 116 days. Specifically, Patentees submit that the delay period between March 7, 2006 (the date of filing the above-noted Letter), and June 30, 2006, the mailing date of the Examiner Interview Summary Record is 116 days, and not 120 days.

5. Patentees submit, therefore, that the total delay period should be the difference between the PTO-delay period of 259 days and the total Applicant-delay period of 147 days (*i.e.*, 31 days plus 116 days). This results in a total delay period of 112 days, rather than 108 days, as set forth on the Issue Notification.

### RELIEF REQUESTED

For the foregoing reasons, Patentees request reconsideration of the patent term adjustment, in which the second Applicant-delay period of 120 days should be assessed as 116 days. Patentees, therefore, request that a Certificate of Correction be issued *sua sponte* indicating a PTA of **one hundred twelve (112)** days.

### FORMAL MATTERS

Submitted electronically is the statutory fee of \$200.00 for the fee set forth in 37 CFR 1.18(e). Any deficiency in this fee may be charged or any overpayment credited to Deposit Account No. 06-1205.

### REQUEST FOR INTERVIEW


If any questions remain, Patentees request that the U.S. Patent and Trademark Office contact Patentees' undersigned representative at (202) 530-1010 to schedule an interview.

CONCLUSION

Patentees request favorable consideration and prompt correction of the PTA as set forth above.

Patentees' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Steven E. Warner", is written over a horizontal line.

Attorney for Patentees

Steven E. Warner

Registration No. 33,326

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

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Patent Term Adjustments		7,087,983	0
Patent Term Adjustment (PTA) for Application Number: 10/665,593			
Filing or 371(c) Date:	09-22-2003	USPTO Delay (PTO) Delay (days):	259
Issue Date of Patent:	08-08-2006	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	151
Post-Issue Petitions (days):	+0	Total PTA (days):	108
USPTO Adjustment(days):	+0	Explanation Of Calculations	depends on letter

**Patent Term Adjustment History**

Date	Contents Description	PTO(Days)	APPL(Days)
08-08-2006	Patent Issue Date Used in PTA Calculation	11-22-05 to 8-8-06 259	
07-11-2006	Dispatch to FDC	↑	
06-30-2006	Mail Examiner Interview Summary (PTOL - 413)	↑	
06-20-2006	Examiner Interview Summary Record (PTOL - 413)	↑ +4	
04-19-2006	TC Return to Pubs	↑	
03-07-2006	Miscellaneous Incoming Letter		116
02-06-2006	Pubs Case Remand to TC		3-7 to 6/30 120
01-21-2006	Application Is Considered Ready for Issue		↑
07-22-2005	Issue Fee Payment Verified		↑
07-22-2005	Issue Fee Payment Received		↑
07-14-2005	Mail Notice of Allowance		↑
07-13-2005	Notice of Allowance Data Verification Completed		↑
07-13-2005	Case Docketed to Examiner in GAU		↑
04-12-2005	Date Forwarded to Examiner		↑
04-05-2005	Response after Non-Final Action		↑
01-27-2005	Mail Non-Final Rejection		↑
01-24-2005	Non-Final Rejection		↑
11-27-2004	Date Forwarded to Examiner		↑
11-15-2004	Response after Non-Final Action		31
11-15-2004	Substitute Specification Filed		↑
11-15-2004	Request for Extension of Time - Granted		↑
11-15-2004	Workflow incoming amendment IFW		↑
07-15-2004	Mail Non-Final Rejection		↑
07-08-2004	Non-Final Rejection		↑
05-28-2004	Case Docketed to Examiner in GAU		
05-25-2004	IFW TSS Processing by Tech Center Complete		
05-25-2004	Case Docketed to Examiner in GAU		
01-05-2004	Request for Foreign Priority (Priority Papers May Be Included)		
12-17-2003	Information Disclosure Statement (IDS) Filed		
12-17-2003	Reference capture on IDS		
10-21-2003	Information Disclosure Statement (IDS) Filed		
10-21-2003	Reference capture on IDS		

29  
12/29/04  
(3/5/08)

03-24-2004	Application Return from OIPE
03-24-2004	Application Return TO OIPE
03-24-2004	Application Dispatched from OIPE
03-25-2004	Application Is Now Complete
12-03-2003	Cleared by OIPE CSR
10-30-2003	IFW Scan & PACR Auto Security Review
09-22-2003	Initial Exam Team nn

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